UNITED
NATIONS

CCPR

International covenant on civil and political rights

Distr.
GENERAL

CCPR/C/75/L/TGO
14 May 2002

Original: ENGLISH

HUMAN RIGHTS COMMITTEE
Seventy-fourth session

List of issues to be taken up in connection with the consideration of the third periodic report of Togo (CCPR/C/TGO/2001/3)

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please give precise information on the reforms undertaken or envisaged since the consideration of the State party's previous periodic report in order to bring Togolese legislation into conformity with the obligations contained in the Covenant.

2. What are the procedures for bringing cases before the Constitutional Court? Do individuals have direct access to it? During the period under consideration, have the Constitutional Court and the ordinary courts been seized with cases in which the Covenant's provisions have been directly invoked? If so, what was the outcome of these cases?

3. How is the independence of the National Human Rights Commission guaranteed in law and in practice? How many complaints have been brought before the Commission in the past two years? What action was taken on those complaints?

Right to life, prohibition of torture (arts. 6 and 7)

4. Has the State party taken any action on the recommendations of the joint United Nations/Organization of African Unity International Commission of Inquiry to undertake a judicial inquiry at the national level in order to elucidate the various allegations of extrajudicial executions, forced or involuntary disappearances, and torture and ill-treatment, and to prosecute and punish, where necessary, the perpetrators of these violations?

5. Please provide further information concerning the numerous allegations of extrajudicial executions, arbitrary arrests and threats and intimidation by the Togolese security forces, in particular during the pre-electoral periods, against members of the civilian population and the opposition. Have any independent inquiries been conducted in this connection? If so, what results have been forthcoming?

6. Have any inquiries been conducted into the allegations concerning the excessive use of force by the police at the demonstrations by students and teachers in December 1999 and various other gatherings organized by the opposition? If so, with what results?

7. Have inquiries been conducted into the numerous allegations of torture or ill-treatment of suspects while in police custody? If so, have sanctions been taken against any persons found guilty of such acts?

8. Has the National Legislation Harmonization Commission set up to revise the Penal Code, as mentioned in paragraph 109 of the report, made any recommendations concerning capital punishment? Please specify the number of executions carried out between 1995 and 2000 and give details of relevant cases. In view of the very small number of death sentences mentioned in paragraph 108 of the report, does the State party envisage abolishing the death penalty and acceding to the Second Optional Protocol?

9. Please give a definition of the offences categorized by the Penal Code as attacks against internal State security liable to result in a death sentence, mentioned in paragraph 106 of the report. Please specify the cases in which the relevant provisions of the Penal Code have been invoked.

Right to liberty and security of person, treatment of detainees (arts. 9 and 10)

10. Please provide information on the average duration of police custody and pre-trial detention, and also the rules applicable to extension of police custody. What guarantees are provided in practice for the right of arrested persons to have access to a lawyer, to inform their families and to consult a doctor of their choice?

11. Have measures been taken to implement the Lomé Framework Agreement, signed on 29 July 1999, in particular concerning the security of persons and property and the compensation of victims of political violence?

12. Please give details of the cases of violations of provisions of the Penal Code relating to conditions of arrest and detention referred to in paragraph 133 of the report. Have these violations resulted in prosecutions and compensation for the victims?

13. Please give precise data concerning any changes in conditions of detention during the period under consideration, notably with regard to prison population, food, access to health care, and treatment of women and juveniles. Please provide information on the present situation of the Bâtonnier Agboyibo.

Freedom of religion, freedom of expression, freedom of association and right of peaceful assembly (arts. 18, 19, 21 and 22)

14. Please provide information on the allegations concerning the harassment and intimidation of journalists from independent media, in particular with respect to what are considered to be the

excessive fines imposed on them and their arbitrary arrest. Please indicate how the information provided in paragraph 226 of the report can be considered compatible with article 19 of the International Covenant on Civil and Political Rights.

15. Please give the reasons for the Government's introduction of the law amending the Press Code, enacted in February 2000, referred to in paragraph 222 of the report, which increases prison sentences (non-suspendable) for journalists found guilty of press offences. Please indicate the number of cases in which the new provisions have been invoked.

16. How many organizations of a religious character have applied to be registered with the Ministry of the Interior during the period under consideration? In how many cases has registration been refused and on what grounds?

17. Does obligatory military service exist in the State party and is conscientious objection to military service provided for in law?

18. Are all NGOs able freely to establish themselves and disseminate information about their activities, including in the field of human rights?

Participation of citizens in public affairs (art. 25)

19. What were the difficulties encountered by the Independent National Electoral Commission which led to the postponement, on two occasions, of the early legislative elections provided for in the Lomé Framework Agreement? Have specific measures been taken to ensure that the numerous irregularities noted by the international observers in the conduct of the 1998 presidential elections do not recur?

Right to a fair trial (art. 14)

20. Please provide further details on the way in which the new Organizational Act establishing the status of the Togolese judiciary, referred to in paragraph 186 of the report, ensures the independence of the judiciary. Please describe the procedure for the appointment of judges, the duration of their mandate, the constitutional or legal rules guaranteeing their security of tenure and the way in which they may be dismissed from office.

21. Do military courts exist in the Togolese judicial system? If so, please give details about their jurisdiction, in terms of the individuals that come under it and the subject matter these courts can deal with.

Prohibition of slavery, protection of children (arts. 8 and 24)

22. Does the programme to combat trafficking in children referred to in paragraph 255 of the report provide for police or judicial cooperation with Togo's neighbouring countries? The State party is invited to give details of the results of this programme. In particular, have such programmes been initiated with the International Labour Organization? Is there a similar programme to combat trafficking in women for purposes of prostitution?

Equality of the sexes and non-discrimination (arts. 3 and 26)

23. Does the Government of Togo intend to take measures to eliminate the inequality affecting women with regard to inheritance (see paras. 262-266 of the report) and the dissolution of marriage, in particular by replacing the primacy of customary law by that of recent legislation in this respect?

24. Please give details about the concept of "head of the family" referred to in paragraph 79 of the report. What rights and obligations attach to this status?

25. Please give detailed information on the law prohibiting female genital mutilation and the national plan for the complete eradication of excision, referred to in paragraphs 93 and 94 of the report, their implementation and the results achieved.

26. Please provide recent statistics on the disparities between the enrolment of girls and boys in educational institutions. Please provide details of the awareness campaigns on this subject referred to in paragraph 83 of the report.

States of emergency (art. 4)

27. Have the conditions for declaring a state of siege or state of emergency been defined in a specific enactment? Has the State party had recourse to the provisions of article 4 of the Covenant during the period under consideration? What rights admit of no derogation when a state of emergency is declared?

Right to liberty of movement; expulsion procedure (arts. 12 and 13)

28. To what extent have the violence and insecurity referred to in paragraph 168 of the report limited the freedom of movement of Togolese citizens within the country?

Dissemination of information about the Covenant (art. 2)

29. The State party is invited to explain what it has done and intends to do to disseminate information about the provisions of the Covenant and the Optional Protocol, as well as the contents of the report.

30. Are there any training programmes for law enforcement officers, judges, public employees and the Togolese public in general concerning the provisions of the Covenant and the Optional Protocol and their implementation? If so, please give details of the content of these training programmes and their implementation.

- - - - -